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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,639	02/05/2004	Siroos K. Afshar	2002-0372	7638

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S H Dworetsky, AT &T Corp
One AT & T Way
Room 2A-207
Bedminster, NJ 07921

EXAMINER	
TIEU, BINH KIEN	

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/773,639	AFSHAR ET AL.	
	Examiner	Art Unit	
	REXFORD N. BARNIE	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Rexford Barnie

REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al. (US Pat# 6,496,483) in view of Cox (US Pat# 6,498,843).

Regarding claim 1, Kung teaches a secure detection of an intercepted targeted IP Phone from multiple monitoring locations comprising

setting a IP call composed of a plurality of data packets and signaling information in (see col. 2 lines 31-38);

extracting an identifying information for the voice/multimedia communication from the signaling information(see col. 2 lines 31-38) ,

determining whether at least one participant in the communication matches an intercept subject (see col. 2 lines 31-43, lines 51-56),

duplicating "duplicated" (col. 2 line 55-56) the plurality of data packets and signaling information if there is a match and re-originating the packet and signaling information in the network in (see col. 2 lines 36-37, lines 54-56 and fig. 2 @ 211 and 213)

Kung teaches a general network and fails to teach that the network would be a private virtual network.

Cox teaches a method and system for intercepting and monitoring signals in a network in (see col. 2 lines 5-16). Furthermore, according to (see col. 2 lines 27-67), law enforcement can monitor calls including IP calls.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Cox into that of Kung thus making it possible to monitor calls in any network deemed necessary for law enforcement purposes.

Regarding claim 3, The combination teaches replicating or duplicating data packets for transmission to a monitoring station.

Regarding claim 7, The combination teaches identifying a call identifier and then comparing it to a stored list to determine if there is a match in (see cols. 2-3 of Kung and cols. 2-3 of Cox).

Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al. (US Pat# 6,496,483) in view of Cox (US Pat# 6,498,843) and further in view of Howell (US Pat# 5,920,611).

Regarding claims 2 and 8, The combination fails to teach the claimed subject matter in detail but arguably, a call to be monitored can be recorded for future reference as evidence.

Howell teaches a method of intercepting telecommunications wherein multimedia information can be recorded and stored in (see col. 2 lines 25-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Howell into that of the combination thus making it possible to store pertinent information for future reasons as evidence.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al. (US Pat# 6,496,483) in view of Cox (US Pat# 6,498,843) and further in view of Partridge, III (US Pat# 5,473,671) or Partridge, III (H1714).

Regarding claims 4-6, The combination teaches being able to use some form of identifier to intercept incoming calls and obviously, whatever identifier is chosen to screen incoming calls or communication can be used including CLI, IP address, E-mail and so forth. The combination fails to teach using an image for call screening purposes.

Partridge teaches a communication system wherein video/image screening can be used for call treatment purposes in (see col. 1 lines 35-43 of H1714 or col. 8 lines 10-19 of '671). Partridge thus teaches that being able to screen calls based on an image as known.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use or incorporate any well-known call identification signal as means of screening call for further call treatment.

Claims 9-17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al. (US Pat# 6,496,483) in view of Admitted Prior art (Fig. 1).

Regarding claim 9, Kung teaches a secure detection of an intercepted targeted IP Phone from multiple monitoring locations comprising

setting a IP call composed of a plurality of data packets and signaling information in (see col. 2 lines 31-38);

extracting an identifying information for the voice/multimedia communication from the signaling information(see col. 2 lines 31-38) ,

determining whether at least one participant in the communication matches an intercept subject (see col. 2 lines 31-43, lines 51-56),

duplicating "duplicated" (col. 2 line 55-56) the plurality of data packets and signaling information if there is a match and re-originating the packet and signaling information in the network in (see col. 2 lines 36-37, lines 54-56 and fig. 2 @ 211 and 213). Kung teaches elements including (see fig. 1 @109, 101) for monitoring and controlling packets, which assist in routing, formatted packets, determining packet contents in (see col. 2 lines 30-56).

Kung teaches a general network and fails to teach that the network would be a private virtual network for IP telephony call set up.

Admitted prior art teaches a multimedia network with a call control entity for setting up calls with the claimed configuration.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Admitted prior art of fig. 1

into that of Kung as part of its network inorder to set up IP calls capable of providing multimedia services.

Regarding claims 10-13 and 15, the combination renders obvious the ability to implement its teaching in any commercial and known communication network using any protocol. See fig. 1 of Admitted Prior Art.

Regarding claim 14, The combination teaches a call control element (109) which can be part of the IP network.

Regarding claim 16, The combination teaches a virtual private network administrator (see fig. 1) who can control the network as desired. The combination including Kung teaches elements including IP monitoring center, IP address check point server and monitoring stations which can be used in intercepting calls in (see fig. 1 and cols. 2-3).

Regarding claims 17 and 21, see the explanation as set forth regarding claim 9.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al. (US Pat# 6,496,483) in view of Admitted Prior art (Fig. 1) and further in view of Partridge, III (US Pat# 5,473,671) or Partridge, III (H1714).

Regarding claims 18-20, The combination teaches being able to use some form of identifier to intercept incoming calls and obviously, whatever identifier is chosen to screen incoming calls or communication can be used including CLI, IP address, E-mail and so forth. The combination fails to teach using an image for call screening purposes.

Partridge teaches a communication system wherein video/image screening can be used for call treatment purposes in (see col. 1 lines 35-43 of H1714 or col. 8 lines 10-19 of '671). Partridge thus teaches that being able to screen calls based on an image as known.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use or incorporate any well-known call identification signal as means of screening call for further call treatment.

Response to Arguments

Applicant's arguments filed on 08/30/05 have been fully considered but they are not persuasive.

The applicant argued that the prior art of record fails to teach the claimed subject matter including the limitation "intercepting a communication in a private network by duplicating and re-originating the plurality of packets and the signaling information in the private network"

The examiner disagrees because the prior art of record including the primary reference (Kung) teaches surveillance of voice over IP in (see col. 1 lines 11-12, col. 2 lines 32-43) wherein contents of packets can be examined and then replicating and even uses the word "duplicating" (see col. 2 lines 54-56 of Kung) the packets and then transmitting the packets through the network. Thus, Kung teaches duplicating and originating a packet or packets through a network (see 215 @ fig. 2 and col. 3).

The examiner supplemented the teaching of Kung with that of Cox to teach being able to monitor or wiretap signals of any type in a communication network in (see col. 1

lines 13-17) by for instance law enforcement wherein the network could be a private network is known in (see col. 2 line 13) "virtual private network" and the network could be one of a plurality of network in (see col. 2 lines 33-37) including IP supporting voice over the internet thus making it compatible to combine with the primary reference of record.

The explanation as set forth in the rejection of the claimed subject matter is believed proper and permissible.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is 571-272-7492. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
09/28/05